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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,494

10/02/2003

Denis Morin

JER-0001

2493

23413

7590

06/02/2004

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/605,494

Applicant(s)

MORIN, DENIS

Examiner

Anita M. King

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3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/2/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is the first office action for application number 10/605,494, Device for Hanging Decorative Fixtures, filed on October 2, 2003.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "110". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: in paragraph 17, line 10, "38" appears to be incorrect and should be --30--; and reference character "42" is used to designate two different element, i.e., "a centerline" in paragraph 19, line 9 and a "top portion" in paragraph 20, line 3.

Appropriate correction is required.

### ***Claim Objections***

Claim 18 is objected to because of the following informality: in line 2, the phrase --the steps of-- should be inserted after "comprising". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the phrase "a first bight configured to at least one of clip to two opposing substantially vertical surfaces defining the structure..." in lines 3-4. This phrase is vague/grammatically incorrect and thus, the claim is rendered indefinite.

Claim 1 recites the limitation "the two sets" in lines 10 and 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "a first bight," in line 2 of the claim is intended to refer to the original recitation of the term "a first bight" in line 3 of claim 1. Applicant is suggested to change the latter recitation to either --the first bight-- or --said first bight--.

Claim 10 recites the limitation of "said leading edge" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation of "said two sets of retaining features" bridging lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites "the two sets of features" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited

terms. It is unclear if "a gutter," in line 2 of the claim is intended to refer to the original recitation of the term "a gutter" in line 1 of claim 1. Applicant is suggested to change the latter recitation to either --the gutter-- or --said gutter--.

Claim 18 recites the phrase "a cord retainer and a first bight configured to at least one clip to two substantially vertical surfaces defining the structure..." in lines 3-5. This phrase is vague/grammatically incorrect and thus, the claim is rendered indefinite.

Claim 18 recites the limitation of "the two sets" in line 12. There is insufficient antecedent basis for this limitation in the claim.

### ***Allowable Subject Matter***

Claims 1 and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-17, 19 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter of the claims in this application are the limitations of a device comprising a hanger clip having a cord retainer and a first bight, an elongated staff for installing and removing the hanger clip, the staff having a lock feature disposed at one end to engage a corresponding mating feature extending from the hanger clip, such that when the features are engaged, the hanger clip is temporarily and securely held onto the staff when one of installing and

removing the hanger clip to and from the structure from below the structure, and wherein disengagement of the features occurs by rotation of the staff about an axis defining the elongated staff.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,193,229 to Stock

U.S. Patent 3,540,687 to Cuva

U.S. Patent 3,599,916 to Szabo

U.S. Patent 3,953,065 to Shannon, Jr.

U.S. Patent 5,188,332 to Callas

U.S. Patent 5,308,033 to Neely, Jr.

U.S. Patent 5,566,058 to Protz, Jr.

U.S. Patent 6,048,010 to Stocker

U.S. Patent D424,418 to Gary et al.

U.S. Patent 6,338,460 to Rumpel

U.S. Patent 6,659,521 to Hill et al.

Stock discloses a hanger for string lights disposed on a gutter. Cuva discloses a light socket retaining means. Szabo discloses a gutter clip for light strings. Shannon, Jr. discloses an offset printing plate rack and holder system. Callas discloses a sign holder assembly having a gripping tool for locating the holder assembly adjacent a metal ceiling surface and to remove the holder therefrom. Neely, Jr. discloses a flange


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mounted routing clamp. Protz, Jr. discloses a light clip for shingles or gutters. Stocker discloses an apparatus for manipulating suspended display systems. Gary et al. disclose an icicle light support clip. Rumpel discloses a siding mounted light clip. Hill et al. disclose a system for hanging objects from conventional suspended ceilings comprising resilient clips snap-fitted to ceiling rails and an installation tool for controlling the clips.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

May 25, 2004